

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANDREW STARK,)	
)	
Plaintiff,)	
v.)	Civil Action No. 1:19-12109-ADB
)	
LONNIE G. BUNCH, Secretary)	
of the Smithsonian Institution,)	
)	
Defendant.)	

**DEFENDANT’S ASSENTED-TO MOTION FOR AN
EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND**

Defendant Lonnie G. Bunch, Secretary of the Smithsonian Institution (“Defendant”), by and through his attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, respectfully moves the Court for a five-week extension of time to respond to Plaintiff Andrew Stark’s (“Plaintiff”) Complaint. As grounds for this motion, Defendant states as follows:

1. Plaintiff asserts an age discrimination claim under the Age Discrimination in Employment Act of 1967, and a common law claim under Massachusetts law. Doc. # 1. Defendant’s answer or other response currently is due on December 23, 2019.

2. Defendant requests an additional five weeks to respond. This additional time is necessary because the undersigned has been busy preparing for a wrongful death trial before Judge Gorton that will begin on January 6, 2020. *Kinkor v. United States, et al.*, Civil Action No. 1:15-14126-NMG (D. Mass.). Trial is expected to last into the week of January 13, 2020. The defendants recently filed more than 10 motions *in limine* on December 16, 2019, and the several additional pretrial documents (including witness lists, exhibits lists, and objections to motions *in*

limine) are due on December 23, 2019, the same day Defendant's answer or other response is due in this case.

3. In addition, the undersigned has been occupied in a putative class action against three separate DHS agencies pending before this Court. *T.M. v. McAleenan, et al.*, Civil Action No. 1:19-11280-ADB (D. Mass.). In *T.M.*, the defendants' response to the plaintiff's motion to amend also is due on December 23, 2019, the same day Defendant's answer or other response is due in this case.

4. Plaintiff's counsel has assented to the relief sought in this motion.

WHEREFORE, Defendant respectfully requests that the Court grant his motion and allow Defendant to answer or otherwise respond no later than January 27, 2020.

Respectfully submitted,

LONNIE G. BUNCH
Secretary of the Smithsonian Institute

By his attorney,

ANDREW E. LELLING
United States Attorney

By: /s/ Jason C. Weida
Jason C. Weida (BBO # 663097)
Assistant United States Attorney
United States Attorney's Office
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210
(617) 748-3180
Jason.Weida@usdoj.gov

Dated: December 23, 2019

LOCAL RULE 7.1(a)(2) CERTIFICATION

I hereby certify that, by email on December 18, 19, 21, and 23, 2019, I conferred with Plaintiff's counsel, who assented to the relief sought in this motion.

/s/ Jason C. Weida
Jason C. Weida
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants by First Class Mail.

/s/ Jason C. Weida
Jason C. Weida
Assistant U.S. Attorney

Dated: December 23, 2019